

## UNITED STATES DISTRICT COURT

EASTERN District of PENNSYLVANIA

UNITED STATES OF AMERICA

v.

MICHAEL GOLDNER

## JUDGMENT IN A CRIMINAL CASE

Case Number: DPAE2:2015CR00002-001

USM Number: 71901-066

Eugene Tinari, Esq.

Defendant's Attorney

## THE DEFENDANT:

☒ pleaded guilty to count(s) 1s and 2s☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:1343, 1349	Wire fraud	11/28/2011	1s
26:7201	Tax evasion	11/28/2011	2s

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

7/15/2016

Date of Imposition of Judgment

/s/ Gerald Austin McHugh

Signature of Judge

Gerald Austin McHugh, United States District Court Judge

Name and Title of Judge

7/19/2016

Date

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## PROBATION

The defendant is hereby sentenced to probation for a term of :

5 years on Counts 1s and 2s, with the first year to be served in a residential reentry center. The defendant shall report to a residential reentry center as soon as bed is available for him. For the remainder of the term of probation, the defendant shall be under house arrest, with appropriate electronic monitoring, and shall not leave his place of residence except for work, worship, medical care, or to comply with the instructions of the U.S. Probation Office.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

## STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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### **ADDITIONAL PROBATION TERMS**

For the first year of the defendant's sentence, he shall spend every Saturday performing seven hours of community service as directed by the U.S. Probation Office.

The sum of \$100,000 shall be tendered to the U.S. Probation Office by 5 p.m. on Wednesday, July 20, 2016, such payment being a material term and condition of this sentence.

As a material condition of this sentence, the defendant shall remain employed, and if he loses employment because of dishonesty, malfeasance, or failure to perform his work in a satisfactory fashion, or for any other reason except business necessity, he shall be deemed in breach of a material term and condition of this sentence.

The defendant shall sign whatever authorizations are specified by the U.S. Probation Office necessary to allow his employer, and any affiliate, to provide written notice when any payment or distribution of income is due to defendant, and shall sign whatever documents are necessary to allow for direct tender of monies earned through his employment to victims as restitution.

The defendant shall submit a budget with respect to child support obligations to the U.S. Probation Office for approval, and after accounting for such obligations and defendant's sustenance, income earned by the defendant shall be devoted to the payment of restitution.

In no event will less than 50% of defendant's gross income be allocated for restitution payments to victims.

No later than 10 months from the date the defendant enters a residential reentry center, he shall submit to the U.S. Probation Office a proposed plan for his residence for the remainder of this sentence. The defendant is specifically prohibited from living at 7 Dovecote Lane, Malvern, PA, and the Court, through the U.S. Probation Office, retains its authority pursuant to Sentencing Guideline 5F1.2 to specify where defendant resides.

The defendant shall, through counsel, as a beneficiary of the Goldner Family Trust, make a written demand upon Joel Lubber, Esq., trustee for distribution of any net profits from the sale of 7 Dovecote Lane, Malvern, Pennsylvania, to victims as restitution.

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### **ADDITIONAL STANDARD CONDITIONS OF SUPERVISION**

The defendant shall provide the U.S. Probation office with full disclosure of his financial records to include yearly income tax returns upon the request of the U.S. Probation Office. The defendant shall cooperate with the probation officer in the investigation of his financial dealings and shall provide truthful monthly statements of his/her income.

The defendant is prohibited from incurring any new credit charges or opening additional lines of credit without the approval of the probation officer, unless the defendant is in compliance with a payment schedule for any fine or restitution obligation. The defendant shall not encumber or liquidate interest in any assets unless it is in direct service of the fine or restitution obligation or otherwise has the express approval of the Court.

The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall participate in drug treatment and abide by the rules of any such program until satisfactorily discharged.

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**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 200.00	\$ 0.00	\$ 4,986,266.00

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Victor Araya 13 Daisy Lane Maple Glen, PA 19002	\$7,138.00	\$7,138.00	1
Alfred Aspen 680 Williamson Road Bryn Mawr, PA 19010	\$100,000.00	\$100,000.00	1
Cheryl Beck 21 Horseshoe Lane Newtown Square, PA 19073	\$78,000.00	\$78,000.00	1
Leonard Day 216 Radnor Street Bryn Mawr, PA 19010	\$48,000.00	\$48,000.00	1
Scott Delaney 331 Sterling Lane Downingtown, PA 19335	\$78,500.00	\$78,500.00	1
James Donaghy 1211 Hamilton Drive West Chester, PA 19380	\$38,333.00	\$38,333.00	1

**TOTALS** \$ 4,986,266.00 \$ 4,986,266.00

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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**ADDITIONAL RESTITUTION PAYEES**

<b><u>Name of Payee</u></b>	<b><u>Total Loss*</u></b>	<b><u>Restitution Ordered</u></b>	<b><u>Priority or Percentage</u></b>
Kathy Esposito 107 Raintree Lane Lincoln University, PA 19352	\$79,500.00	\$79,500.00	1
Eugene Flanagan 231 Hatfield Road Downingtown, PA 19335	\$131,800.00	\$131,800.00	1
Curt Gasper 2919 Fogarty Avenue Key West, FL 33040	\$229,500.00	\$229,500.00	1
Rodney Green 300 East Lancaster Avenue, Suite 108 Wynnewood, PA 19096	\$65,257.00	\$65,257.00	1
Edgar Hart III 607 Thomas Road Downingtown, PA 19335	\$324,000.00	\$324,000.00	1
Paul Hoffman 2000 Paper Mill Road Huntigton Valley, PA 19006	\$117,950.00	\$117,950.00	1
David Jenkins 280 Middle Holland Road Holland, PA 18966	\$227,985.00	\$227,985.00	1
Jeffrey Jenkins 57 Silo Hill Drive Richboro, PA 18954	\$130,000.00	\$130,000.00	1
Steve Miller 113 Berwick Drive West Chester, PA 19382	\$120,000.00	\$120,000.00	1
Rick Moors 14 Quail Drive Landenberg, PA 19350	\$146,500.00	\$146,500.00	1
Joseph Nasuti 2675 Park Avenue , Unit 4 Bridgeport, CT 06604	\$40,000.00	\$40,000.00	1
Edward Randel 423 Larkspur Drive Kennett Square, PA 19345	\$223,800.00	\$223,800.00	1
Alan Sarroff 43 Meadow Woods Road Great Neck, NY 11020	\$400,000.00	\$400,000.00	1

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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**ADDITIONAL RESTITUTION PAYEES**

<b><u>Name of Payee</u></b>	<b><u>Total Loss*</u></b>	<b><u>Restitution Ordered</u></b>	<b><u>Priority or Percentage</u></b>
Fred Scherr 11161 Green Lake Drive, Apt. 104 Boynton Beach, FL 33437	\$8,000.00	\$8,000.00	1
Thomas Staszak 6641 Charles Street, Apt. 51 Philadelphia, PA 19135	\$141,500.00	\$141,500.00	1
Robert and Elsie Stevens 2733 Axe Factory Road Philadelphia, PA 19152	\$265,200.00	\$265,200.00	1
Robert Toner 915 Standish Avenue Huntingdon Valley, PA 19006	\$77,500.00	\$77,500.00	1
Lisa Uebberoth 12503 W Maya Way Peoria, AZ 85383	\$1,510,500.00	\$1,510,500.00	1
Anthony Voci 301 Haverford Avenue, Apt. 2 <sup>nd</sup> Floor Narberth, PA 19072	\$23,400.00	\$23,400.00	1
Anthony Winkler 307 Evans Avenue Willow Grove, PA 19010	\$9,600.00	\$9,600.00	1
John Zenzer 32 Quail Lane Freehold, NJ 07728	\$73,200.00	\$73,200.00	1
Paul Sacco 8 Butterfield Road Lexington MA 02420	\$151,700.00	\$151,700.00	1
Estate of Stephen Yoder c/o Heidi Yoder 319 Winchester Lane West Grove, PA 19390	\$139,403.00	\$139,403.00	1

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 200.00 due immediately, balance due  
☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:  
The Court has signed a separate forfeiture order.
- ☐ Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.